

MOEZ M. KABA

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October 15, 2024

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *Select Research, Ltd. v. Amazon.com, Inc. and Amazon.com Services, LLC*, 24-cv-06419-JMF

Dear Judge Furman:

On behalf of Defendants Amazon.com, Inc. and Amazon.com Services, LLC (“Defendants”) in the above-referenced action, we write pursuant to Rule 7(C) of the Court’s Individual Rules and Practices to request that Exhibit 2 to the Declaration of Moez M. Kaba in support of Defendants’ motion for the issuance of a Letter of Request for International Assistance pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (“Letter of Request”) be filed provisionally under seal.

As is discussed in Defendants’ memorandum in support of their motion for the issuance of the Letter of Request, SRL previously filed Exhibit 2 in a predecessor action. See *Select Research, Ltd. v. Amazon.com, Inc., et al.*, Case No. 23-cv-865 (E.D. Tex. Sept. 27, 2023) (Dkt. 25). In that action, SRL asked the court to seal Exhibit 2 because it allegedly contains “highly confidential business information related to SRL.” *Id.* While Defendants contest that Exhibit 2 contains any confidential information, and reserve the right to challenge any assertion of confidentiality over that information in the future, they respectfully request that the Court provisionally seal Exhibit 2 in light of SRL’s representations in the prior action and to provide SRL an opportunity to seek sealing if it can satisfy the requirements for doing so.

Defendants have asked SRL’s counsel whether SRL intends to seal Exhibit 2 in this action but have not received a response.

Respectfully submitted,

Moez M. Kaba
HUESTON HENNIGAN LLP

cc: All counsel of record (via ECF)

The motion to seal is granted temporarily. That said, mere agreement between the parties to keep a document confidential is not sufficient to keep a “judicial document” sealed or redacted. See, e.g., *United States v. Wells Fargo Bank N.A.*, No. 12-CV-7527 (JMF), 2015 WL 3999074, at *4 (S.D.N.Y. June 30, 2015) (citing cases). Thus, if any party believes that the materials at issue should remain sealed or redacted, that party shall file a letter brief, within three days and not to exceed three pages, showing why doing so is consistent with the presumption in favor of public access to judicial documents. See generally *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). If neither party files a motion to seal by **October 21, 2024**, then Defendants shall file Exhibit 2 on the public docket no later than **October 24, 2024**. The Clerk of Court is directed to terminate ECF No. 18.

SO ORDERED.

October 16, 2024